

TO: FILE EMA
FROM: MICHAEL M. RUANE, DIRECTOR EMA
SUBJECT: PROJECT NUMBER: SP 91-034A APPLICANT: Baldwin Company

I. NATURE OF PROJECT:

The proposal is a site plan to establish 213 condominiums on Lot 1 of recorded Tract 13992 (Tentative Tract 14521) in the Portola Hills Planned Community. Included in the proposal is a recreation area with a swimming pool and jacuzzi, two tot lots, a model sales office, model homes and associated signage. The site is rough graded to a large pad with adjacent slopes and has remained largely unvegetated.

The site was originally to be used for 214 multi-family condominiums with 407 parking spaces to cover the 372 spaces required using square footage calculations. A site plan was approved under application SP 89-185A. Due to changing economic conditions, the Baldwin Company decided to modify the proposed buildings and previously approved site plan to provide for the current proposal.

Based upon bedroom count, 493 parking spaces are required for the proposed project. Based upon square footage of the units, the project is required to have 356 spaces. The proposed project will provide 468 parking spaces. Although County policy has been to encourage provision of parking based upon bedroom count to ensure adequate parking for tenants and guests, because the proposed project provides more parking than under the previously approved site plan, staff accepts the currently proposed parking configuration. All parking spaces and garage parking spaces are to be built according to Zoning Code required dimensions. Six (6) handicapped parking spaces.

The current proposal meets all setback requirements and the applicant has revised the project to accommodate Fire Department requests regarding emergency access.

Final EIR 459, previously certified by Findings on December 17, 1986, was considered prior to approval of the project. It was determined adequate to serve as a Program EIR for this project and satisfy all requirements of CEQA. It is hereby certified for this project and the Findings readopted.

II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

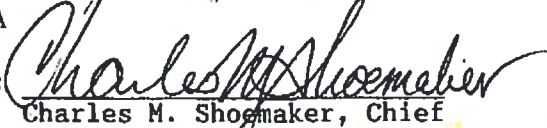
Portola Hills Planned Community Text
Orange County Zoning Code

III. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Michael M. Ruane, Director
EMA

By:


Charles M. Shoemaker, Chief
Site Planning Section

Date:

1/23/92

IV. FINDINGS:

1. The use or project proposed is consistent with the objectives, policies, general land uses and programs specified by the General Plan.
2. The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.
4. The location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
5. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. That the requirements of Section 7-9-711 to pay fire station or library development fees have been met.

V. CONDITIONS:

1. CP NA NA 1/Basic
This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

2. CP NA NA 2/Basic
This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.
3. CP NA NA 3/Basic
Except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director-EMA for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.
4. CP NA NA 4/Basic
Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Board of Supervisors.
5. CP NA NA 5/Basic
Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit or, in the alternative, the relinquishment of such permit. Applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.
6. F F B WATER IMPV PLANS
Prior to the issuance of any building permits, water improvement plans shall be submitted to and approved by the Fire Chief for adequate fire protection and financial security posted for the installation. The adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants will be evaluated and approved by the Fire Chief.
7. F F B COMBSTBLE CONST
Prior to the issuance of any building permits for combustible construction, evidence that a water supply for fire protection is available shall be submitted to and approved by the Fire Chief. Fire hydrants shall be in place and operational to meet required fire-flow prior to commencing construction with combustible materials.

8. F F B CONST PHAS PLAN
Prior to the issuance of any building permits, a construction phasing plan shall be submitted to and approved by the Fire Chief. The purpose of this review is to evaluate the adequacy of emergency vehicle access for the number of dwelling units served.
9. F F R FIRE VEH ACCESS
Prior to the issuance of any building permits, a fire protection access easement shall be approved by the Fire Chief and dedicated to the County of Orange. Obstructions within the fire protection access easement are prohibited. In addition, Fire Chief approval is required for any modifications such as speed bumps, control gates, or changes in parking plan within said easement.
10. F F U FIRE LANES
Prior to the issuance of any certificates of use and occupancy, any private street(s) having a curb-to-curb width of less than 36' shall be posted "No Parking-Fire Lane" as per 1985 Uniform Fire Code Section 10.207, in a manner meeting the approval of the Fire Chief.
11. F F U FIRE HYDRNT MKRS
Prior to the issuance of any certificates of use and occupancy, all fire hydrants shall have a "Blue Reflective Pavement Marker" indicating its location on the street or drive per Orange County Fire Department Standard. On private property these markers are to be maintained in good condition by the property owner.
12. TP CP B FCPP FEE PROG
Prior to the issuance of a building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for the Foothill Circulation Phasing Program.
13. TP CP B F/E TC FEE PROG
Prior to the issuance of a building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for the Foothill/Eastern Transportation Corridor.
14. TP CP B ROAD FEE PROG
Prior to the issuance of building permits, the applicant shall pay fees for the Santiago Canyon Road Fee Program. Applicant's participation in the fee program shall be applicable consistent with the provisions of an applicable, approved development agreement.
15. TP CP B ROAD FEE PROG
Prior to the issuance of a building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for El Toro Road.

16. TP TP G SIGHT DISTANCE
Prior to the issuance of any grading permits, adequate sight distance shall be provided at all street intersections per Standard Plan 1117 in a manner meeting the approval of the Manager, Transportation Program Division. This includes any necessary revisions to the plan such as removing slopes or other encroachments from the limited use area.
17. TP CP RB GROWTH MANAG
Building permit issuance shall be phased in accordance with the Foothill Circulation Phasing Plan (FCPP) Development Phasing Plan, and shall also be subject to any other Board of Supervisors approved growth management phasing plan pertaining to the timely provision of public services and facilities. A valid Board of Supervisors approved development agreement pertaining to the property which includes a development phasing plan shall satisfy the requirements of this condition. This condition shall be noted on all final maps.
18. A. TP SD B INTRNL CIRC
Prior to the issuance of any building permits, the subdivider shall provide plans and specifications meeting the approval of the Manager, Subdivision Division, for the design of the following improvements:
- 1) Internal driveway system.
 - 2) Entrance to the site to emphasize that the development is private by use of signs and other features.
 - 3) Internal pedestrian system within the development.
- B. TP C U INTRNL CIRC
Prior to the issuance of any certificates of use and occupancy, the above improvements shall be constructed in a manner meeting the approval of the Manager, Construction Division.
19. TP TP B TRACT MAP
No building permits shall be issued within this site prior to recordation of appropriate portions of Tract 13489.
20. DS DS G GEOLOGY RPT
Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Development Services, for approval. The report shall include the information and be in a form as required by the Grading Manual.

21. DS DS G GRADING DEVIATION
Prior to the issuance of any grading permits, if review of the grading plan for this property by the Manager, Development Services, indicates significant deviation from the proposed grading illustrated on the approved tentative tract map, specifically with regard to slope heights, slope ratios, and pad elevations and configuration, the plan shall be reviewed by the Subdivision Committee for a finding of substantial conformance. Failure to achieve such a finding will require processing a revised tentative tract map; or, if a final tract/parcel map has been recorded, a new tentative tract/parcel map or a site development permit application per Orange County Zoning Code Section 7-9-139 and 7-9-150.
22. HP SD RBU PUB INT LNSCP
Tract 13992/14521 shall be landscaped, equipped for irrigation, and improved in accordance with an approved plan as stated below:
- HP SD B DTAL LNSCP PLN
B. Detailed Plan - Prior to the issuance of any building permits(s), a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division, in consultation with the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division. Detailed plans shall show the detailed irrigation and landscaping design in accordance with the approved plant palette for Foothill/Trabuco area.
- HP CBI U LNDSACP INSTALL
C. Installation Certification - Prior to the issuance of final certificates of use and occupancy and the release of the financial security guaranteeing the landscape improvements, said improvements shall be installed and shall be certified by a licensed landscape architect or licensed landscape contractor, as required, as having been installed in accordance with the approved detailed plans. Said certification, including an irrigation management report for each landscape irrigation system, and any other required implementation report determined applicable, shall be furnished in writing to the Manager, Construction Division, and the Manager, Building Inspection Division.
23. CP SD B SCHOOL FEES
Prior to the issuance of any building permits, the developer must provide the appropriate certification from the appropriate School District that all applicable fees have been paid.
24. All residential lots and dwellings shall be sound attenuated against present and projected noise which shall be the sum of all noise impacting the project so as not to exceed an exterior standard of

26. DS DS U AIRCRAFT NOISE
Prior to the issuance of any certificates of use and occupancy, the applicant shall post aircraft noise impact notification signs in all sales offices associated with new residential development located within an aircraft 63 dB CNEL contour. The number and location of said signs shall be as approved by the Manager, Development Services Division.
27. DS DS G CONST NOISE
A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Development Services, that:
- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
 - (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.
- B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.
28. SD SD RG DRAINAGE STUDY
Prior to the recordation of a final tract/parcel map or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Subdivision Division:
- A. A drainage study of the subdivision including diversions, off-site areas that drain onto and/or through the subdivision, and justification of any diversions; and
 - B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
 - C. Detailed drainage studies indicating how the tract map grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

29. SD SD R DRAINAGE IMPROVA.
Prior to the recordation of a final tract/parcel map or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Subdivision Division:
- 1) Design provisions for surface drainage; and
 - 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 - 3) Dedicate the associated easements to the County of Orange, if determined necessary.
- SD SD RU DRAINAGE IMPROV
B. Prior to the recordation of a final tract/parcel map, or prior to the issuance of any certificates of use and occupancy, whichever occurs first, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.
30. CA CA B SHERIFF STN FAC
Prior to the issuance of building permits, applicant shall produce evidence that fees have been paid for sheriff substation facilities in the event an applicable fee program is established by the Board of Supervisors. Fees will be established by an applicable fee program but shall not exceed \$50.00 per dwelling unit. This requirement is nullified if building permits are issued prior to the adoption of a program. This condition may be satisfied by entering into an implementation agreement with the County pursuant to an applicable development agreement, in a manner meeting the approval of the Associate CAO, Monitoring/Forecast Services.
31. CP CP U LETTERED LOTS
Prior to the issuance of final certificates of use and occupancy, the developer shall grant all lettered lots, including those for which a dedication offer has been made but not accepted, in fee to a homeowner's association who shall be responsible for their maintenance and upkeep.
32. SD SD RG CONSENT LTR
Prior to the issuance of any grading permit or any precise grading permit, and if determined necessary by the Manager, Subdivision Division, a letter of consent in a form suitable for recording, shall be obtained from the downstream property owners permitting drainage diversions and/or unnatural concentrations.

33. SD SD B MPD PARTICIPATN
Prior to the issuance of any building permits, the applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, Subdivision Division, including payment of fees and the construction of the necessary facilities.
34. CP BI U PARK. STALLS
Prior to issuance of a certificate of use and occupancy, all parking stalls shall be clearly outlined with double or hairpin lines on the surface of the parking facility including six (6) handicap parking spaces which are to be clearly marked in a manner meeting the approval of the Manager, EMA/Building Inspection Division.
35. CP CP U DOOR OPNRS
Prior to the issuance of certificates of use and occupancy, the applicant shall submit evidence acceptable to the Manager, Current Planning Division that all garages are equipped with an automatic garage door opener.
36. CP CP U TOT LOT EQUIP
Prior to issuance of certificates of use and occupancy, evidence shall be provided to the Manager, Current Planning Division that all tot lots as shown on the submitted plan have been equipped with appropriate play equipment for children between the ages of two (2) and six (6).
37. TP SD B INTRNL CIRC
Prior to the issuance of any building permits, the subdivider shall provide plans and specifications meeting the approval of the Manager, Subdivision Division, for the design of the following improvements:

Internal pedestrian system within the development and connecting the development to Malabar Road.
38. TP C U INTRNL CIRC
Prior to the issuance of any certificates of use and occupancy, the above improvements shall be constructed in a manner meeting the approval of the Manager, Construction Division.

CONDITIONS FOR MODEL HOME SALES COMPLEX

39. CP CP U TIME LIMIT
Within sixty (60) days after the termination of the use of the subject property as a model home complex and real estate sales office, the parking lot, signs, all temporary fencing, the sales office and the model homes shall be removed or shall be located or revised as necessary to comply with the current applicable zoning regulations.
40. CP CP U TIME
The use approved by this action shall expire eighteen (18) months from the issuance of the temporary certificate of use and occupancy. Applicant may apply for one (1) one-year extension for this permit.
41. CP CP U FLAGS
A maximum of ten (10) on-site pennants are permitted in connection with the model home sales use.
42. CP CP U SIGNS
The sign copy shall be limited to matters relating to the recorded tract within which the signs are located. Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices within the recorded tract.
43. CP CP U SIGNS
No sign shall be posted or placed on public or private property advertising or directing people to the development which is the subject of this permit, unless such sign is allowed by all applicable permits and is expressly permitted by written consent of the property owner. It is expressly understood and accepted by the applicant that this condition is applicable to any sign advertising or directing people to the development, regardless of whether the applicant directly posted or placed the sign in question.
44. CP CP U SALES
The model home sales office shall be used solely for the first sale of dwelling units approved under this permit.
45. CP CP B SIGNS
Signage for Site Plan SP 91-034 is only conceptually approved through this action. Signage shall comply with the regulations of the Portola Hills Planned Community and shall be administratively approved through a Change Plan.



TO: Cindy Wright, CPD

FROM: EMA/Environmental Planning Division

SUBJECT: Private Project CEQA Determination

Project: Palermo Condos. SP 91034 IS 91046

EPD has reviewed the proposed project and offers the following recommendation:

- The proposed action is not a "project" as defined by Section 15378 of the CEQA Guidelines. No further environmental documentation is necessary.
- The proposed project is ministerial and does not require further analysis.
- The proposed project qualifies for a statutory exemption per Section _____ of the CEQA Guidelines (_____).
- The proposed project qualifies for a categorical exemption (Class _____) per Section _____ of the CEQA Guidelines (_____).
- The proposed activity is exempt from CEQA by virtue of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. [CEQA Guidelines Sec. 15061(b)(3)]
- Negative Declaration No. _____ has been prepared and was posted for (21/30)-day public review on ___/___/____. A copy is attached for your use.
- Negative Declaration No. _____, which was adopted on ___/___/____, satisfies the requirements of CEQA for the proposed project. Please see Attachment 2 for mitigation measures that are relevant to this action.
- Final EIR No. 459, which was certified on 12/17/86, satisfies the requirements of CEQA for this project. Please see Attachment 2 for mitigation measures that are relevant to this action.
- Final EIR No. _____, which was certified on ___/___/____, together with the (attached/previous) Addendum No. _____ satisfy the requirements of CEQA for this project. Please see Attachment 2 for mitigation measures that are relevant to this action.
- Initial Study No. _____ (copy attached) has been prepared and it has been determined that the proposed project may have a significant effect on the environment, therefore an EIR will be required.

Attachment 1 contains recommended CEQA statements for your use in preparing AITs and staff reports.

jd/misc.
9/18/90
Attachment

Timothy S. Neely, Manager
EMA/Environmental Planning Division

By: Timothy S. Neely Date 8/05/91

ATTACHMENT 1

RECOMMENDED CEQA STATEMENTS FOR STAFF REPORTS/AITS

A. CEQA Compliance Statements (for text of Staff Report/AIT):

The CEQA compliance statement, located in the text of the staff report or body of the AIT under "Additional Data", shall include an appropriate statement from the following list unless advised otherwise by County Counsel or the Manager, Environmental Planning Division.

- () The recommended action is not a project as defined by CEQA .
- () The proposed action is ministerial per CEQA Guidelines Section 15002(i)(1) and therefore not subject to CEQA.
- () The proposed project is statutorily exempt from CEQA per Public Resources Code Section _____ (_____).
- () The proposed project is categorically exempt (Class _____) from the provisions of CEQA.
- () The proposed project is exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), by virtue of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
- () Negative Declaration No. _____ has been prepared and was [posted for public review/previously approved] on ___/___/___ . It is attached for your consideration and must be found adequate to satisfy the requirements of CEQA prior to project approval.
- () Proposed Final EIR No. _____ has been prepared for the proposed project and must be certified by your [Board/Commission] prior to project approval. A draft resolution is attached for your consideration.
- (X) The proposed project is covered by Final EIR No. 459, previously certified on 2/17/86. Prior to project approval this EIR must be found adequate to satisfy the requirements of CEQA by your [Board/Commission].
- () The proposed project is covered by Final EIR No. _____, previously certified on ___/___/___, and Addendum No. _____. Prior to project approval, this EIR and addendum must be found adequate to satisfy the requirements of CEQA by your [Board/Commission].

(continued on reverse)

ATTACHMENT 1 (cont.)

B. Finding Statements (for recommended action or resolution)

State law requires that certain findings be made by the decision-maker prior to project approval. If a new EIR has not been prepared for the proposed project, one of the following findings should be included in either the recommended action or the adopting resolution, unless directed otherwise by County Counsel or the Manager, Environmental Planning Division.

If a new EIR or Supplemental EIR has been completed for the project, a separate resolution containing findings and a statement of overriding considerations (if appropriate) is necessary. This resolution should be prepared by the Environmental Planning Division in consultation with County Counsel.

- () No findings are required for the following CEQA determinations. The "Compliance With CEQA" statement contained in the AIT or staff report is all that is necessary:
1. The proposed action is not a project as defined by CEQA.
 2. The proposed action is ministerial per CEQA Guidelines Section 15002(1)(1).
- () Find that the proposed project is statutorily exempt per Public Resources Code Section _____.
- () Find that the proposed project is Categorical Exempt (Class __) from the provisions of CEQA.
- () Find that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) by virtue of the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
- () Find that Negative Declaration No. _____ satisfies the requirements of CEQA for this project and is therefore approved. It was considered and found adequate in addressing the environmental impacts for the project prior to its approval.
- (X) Find that Final EIR _____ 459, previously certified on 12/17/86, was considered prior to approval of the project, was determined adequate to serve as a Program EIR for this project, and satisfies all requirements of CEQA.
- () Find that Final EIR _____, previously certified on ___/___/___, and Addendum No. _____ to the EIR were considered prior to approval of the project. Together they were determined adequate to satisfy all the requirements of CEQA.

ATTACHMENT 2

Environmental Analysis for Palermo Condominiums
Portola Hills P.C. SP 91034

PROJECT DESCRIPTION

Initial Study IS 91046 is for the Palermo Condominiums site plan SP 91034. The project proposes a condominium project with 213 units on Lot 1 of Tract 13992 (a portion of Tract 13489). The proposal also includes a model sales office and model homes (see Exhibit A).

PROJECT LOCATION

The project is located in the Portola Hills Planned Community in south Orange County at the southeast corner of Malabar Road and Saddleback Ranch Road west of EL Toro Road in Supervisorial District 3 (see Exhibit B).

EXISTING SITE CONDITION

The site has been graded under Tentative Tract 13489 and grading permit #231064 issued on August 29, 1989.

BACKGROUND

Under Section 15002(d) of the California Environmental Quality Act/Guidelines a project is defined as an activity subject to CEQA. Further, the term project refers to an activity which is being proposed and has a potential for resulting in a physical change in the environment directly or ultimately.

A private project (Sec. 15377) means a project which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agency.

Proposed site development permit is regarded as a private project subject to a discretionary approval and is part of a previously approved Tract Map 13992. A previous Environmental Impact Report (EIR) 459 covers this current project site and was certified on December 17, 1986.

In accordance with Sec. 15063 an Initial Study was completed on the subject project by the Environmental Planning Division (EPD) and it was determined that EIR 459 adequately analyzes the proposed project, that no subsequent changes are proposed, that no substantial changes have occurred with respect to the circumstances surrounding this project, and that no new information that would substantially affect the validity of the EIR has become available.

The following is the analysis of the subject proposal and compilation of pertinent mitigation measures/conditions derived from EIR 459, approved and adopted for the entirety of the Portola Hills Planned Community. These

mitigation measures/conditions have been updated to reflect the latest requirements of CEQA in addition to County ordinances, policies and guidelines.

1. EARTH

- A. Safety 1, 2.
- B. Landform Alteration 1, 2.
- C. Erosion.

Under LANDFORM AND TOPOGRAPHY and GEOLOGY AND SOILS in EIR 459, impacts were identified regarding unstable earth conditions, an inactive earthquake fault, and change in topography. The project site has been rough graded and relevant conditions of approval and mitigation measures have been satisfied prior to issuance of the grading permit.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

2. AIR A, B, C, D

Under the AIR QUALITY section of EIR 459, short-term and long-term impacts were identified. The short-term impacts are the temporary impacts resulting from construction activities: air pollutants emitted by construction equipment, and dust generated during grading and site preparation. The long-term impacts will be emissions by motor vehicles, and the emissions generated from the combustion of natural gas for space heating and the generation of electricity. The project site has been rough graded, and the proposed site plan would not result in increased air emissions or deterioration of ambient air quality beyond projection by the South Coast Air Quality Management Plan.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

3. WATER A,B,C,D,E,F,G,H

Under the HYDROLOGY section of EIR 459, impacts were identified regarding the overall increase in run-off resulting in increased erosion potential, and increased urban pollution. The increase in impervious surfaces could result in hydrological impacts.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

Prior to the issuance of any precise grading permits, detailed drainage studies shall be submitted to and approved by the Manager, Subdivision Division indicating how the site plan grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall run-off which may be expected from all storms up to and including the theoretical 100-year flood.

4. BIOLOGICAL RESOURCES

Under the BIOLOGICAL RESOURCES section of EIR 459, impacts were identified regarding the removal or disturbance of habitat; impacts to wildlife due to loss of habitat and forage area; and the introduction of urban uses proximate to what has been natural area. The project site has been rough graded and no significant species of plants or wildlife are present.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

5. CULTURAL/SCIENTIFIC RESOURCES

Under the CULTURAL RESOURCES section of EIR 459, impacts were identified regarding archaeological and paleontological resources. The subject property has been mass graded and relevant mitigation measures have been satisfied as conditions of approval for TT 13489.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

6. AESTHETICS

Under the AESTHETICS section of EIR 459, impacts were identified regarding the irreversible, significant change from current vistas to development.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

Prior to issuance of any building permit(s), a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division, in consultation with Manager, EMA/Harbors, Beaches and Parks-Program Planning Division. Detailed plans shall show the detailed irrigation and landscaping design. The plants selected shall be exclusively those from the Plant Palette for Foothill/Trabuco Area. The plan shall use xerophytes where possible.

Prior to the issuance of final certificates of use and occupancy and the release of the financial security guaranteeing the landscape improvements, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, Construction Division.

7. ENERGY

The proposal would not result in the use of abnormally high amounts of fuel or energy, or increase demand upon existing sources of energy, or require the development of new sources of energy. Energy consumption was considered and incorporated into the planning process as shown in EIR 459.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

8. LAND USE A,B,C,D

The Portola Hills Planned Community site development standards as approved ensure that no land use inconsistencies would occur. The subject property has a Land Use Element designation of 1B (Suburban Residential) and Community Profile 1.5 (Medium High Density).

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

9. TRANSPORTATION/CIRCULATION A,B,C,D,E,F,G

The proposed subdivision would not result in the generation of vehicular traffic beyond regional analysis. Access to the site would be from one (1) driveway off of Malabar Road. Malabar Road is presently an unimproved collector street, and has been conditioned for improvement per Tract 13489. A total of 468 off-street parking spaces would be provided.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

Building permit issuance shall be phased in accordance with the Foothill Circulation Phasing Plan (FCPP) Development Phasing Plan, and shall also be subject to any other valid Board of Supervisors approved growth management phasing plan pertaining to the timely provision of public services and facilities. A Board of Supervisors approved development agreement pertaining to the property which includes a development phasing plan shall satisfy the requirements of this condition. This condition shall be noted on all final maps.

Prior to issuance of a grading permit, adequate sight distance shall be provided at all intersections per Standard Plan 1117 and at all driveways in a manner meeting the approval of the Manager, Transportation Programs Division; this includes any necessary revisions to the plan to remove slopes or other encroachments from the Limited Use Area.

Prior to issuance of a building permit, applicant shall provided plans and specifications meeting the approval of the Manager of Subdivision Division for design of the following improvements:

- a. Internal driveway system.
- b. Entrances to the site to emphasize that the development is private by use of signs and other features.
- c. Internal pedestrian system within the development and connecting the development to Malabar Road.

Prior to issuance of any Certificates of Use and Occupancy, the above improvements shall be constructed in a manner meeting the approval of the Manager of Construction Division.

No building permits shall be issued within this site prior to recordation of TT 13489.

10. RECREATION

The proposal includes a recreation area with a pool and jacuzzi and two tot lots. This proposal would not result in an adverse impact upon the quality or quantity of existing recreational opportunities.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

11. PUBLIC HEALTH AND SAFETY A,B,C,D,E,F

The public health and safety issues relevant to this project are fire hazards. The majority of the Portola Hills P.C. area has a high fire hazard rating.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

Prior to the issuance of any building permits for combustible construction, evidence that a water supply for fire protection is available shall be submitted to and approved by the Fire Chief. Fire hydrants shall be in place and operational to meet required fire-flow prior to commencing construction with combustible materials.

Prior to the issuance of any building permits, all underground piping for automatic fire extinguishing systems shall be approved by the Fire Chief. Plans for automatic fire extinguishing systems shall be approved by the Fire Chief prior to installation. Such systems shall be operational prior to the issuance of a certificate of use and occupancy (Applies to buildings 11 through and including 21, due to lack of access).

Prior to the issuance of any building permits, a construction phasing plan shall be submitted to and approved by the Fire Chief. The purpose of this review is to evaluate the adequacy of emergency vehicle access for the number of dwelling units served.

12. NOISE A,B

Under the NOISE section of EIR 459, acoustical impacts were identified regarding construction and aircraft noise. The subject property is located within the 63 dB CNEL zone of routine overflight.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

All residential lots and dwellings shall be sound attenuated against present and projected noise which shall be the sum of all noise impacting the project so as not to exceed an exterior standard of 65 dB CNEL in outdoor living areas and an interior standard of 45 dB

CNEL in all habitable rooms. Evidence prepared by a County-certified acoustical consultant, that these standards will be satisfied in a manner consistent with applicable zoning regulations, shall be submitted as follows:

- A. Prior to the recordation of a final tract/parcel map or prior to the issuance of grading permits, as determined by the Manager, Development Services, an acoustical analysis report shall be submitted to the Manager, Development Services Division, for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.
- B. Prior to the issuance of any building permits for residential construction, an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards shall be submitted to the Manager, Development Services Division, for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.
- C. Prior to the issuance of any building permits, all free-standing acoustical barriers must be shown on the project's plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Development Services Division.

All non-residential structures shall be sound attenuated against the combined impact of all present and projected noise from exterior noise sources to meet the interior noise criteria as specified in the Noise Element and Land Use/Noise Compatibility Manual.

Prior to the issuance of any building permits, evidence prepared under the supervision of a County-certified acoustical consultant that these standards will be satisfied in a manner consistent with applicable zoning regulations shall be submitted to the Manager, Development Services Division, in the form of an acoustical analysis report (describing in detail the exterior noise environment and the acoustical design features required to achieve the interior noise standard and which indicate that the sound attenuation measures specified have been incorporated into the design of the project.

Prior to the issuance of any certificates of use and occupancy, the developer shall produce evidence acceptable to the Manager, Development Services Division, that information stating this property is subject to the overflight, sight, and sound of aircraft operating from El Toro Marine Corps Air Station has been provided to the Department of Real Estate of the State of California for inclusion into the Final Subdivision Public Report.

Prior to the recordation of each final tract/parcel map or the issuance of any building permit, whichever comes first, an aviation easement over this property shall be offered for dedication to the County of Orange in a manner meeting the approval of the Manager, Development Services Division.

Prior to the issuance of any certificates of use and occupancy, the applicant shall post aircraft noise impact notification signs in all sales offices associated with new residential development located within an aircraft 63 dB CNEL contour. The number and location of said signs shall be as approved by the Manager, Development Services Division.

Prior to sale, lease, or rental of any structure or portion thereof, the applicant/owner shall provide to each prospective purchaser, lessee, or tenant a notice and statement of acknowledgment that the property is subject to overflight, sight, and sound of aircraft operating from El Toro Marine Corps Air Station. The form and method of distribution of said notice and statement of acknowledgment shall be as approved by the Manager, Development Services Division.

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Development Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.

13. LIGHT AND GLARE

The proposed site plan would introduce new light and glare into the environment. The Orange County Zoning Code requires that all lighting be designed and located so as to confine direct rays to the premises of the subject property. A significant impact is not anticipated.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

14. PUBLIC SERVICES AND UTILITIES A THRU K.

The public services and utilities for the Portola Hills Planned Community which include natural gas, electricity, solid waste disposal, water facilities, sewer facilities, telephone, and community services were considered and incorporated into the development plan as shown in EIR 459.

Mitigation Measure/Monitoring of Mitigation Measures/Conditions:

No mitigation is required.

FINDINGS

EIR 459, which was certified on December 17, 1986, satisfies the requirements of CEQA for this project.

Pursuant to Section 711.4 of the Fish and Game Code this project is exempt from the required fees as it has been determined that no adverse impact to wildlife resources would result from this project.

Exhibit A SITE PLAN

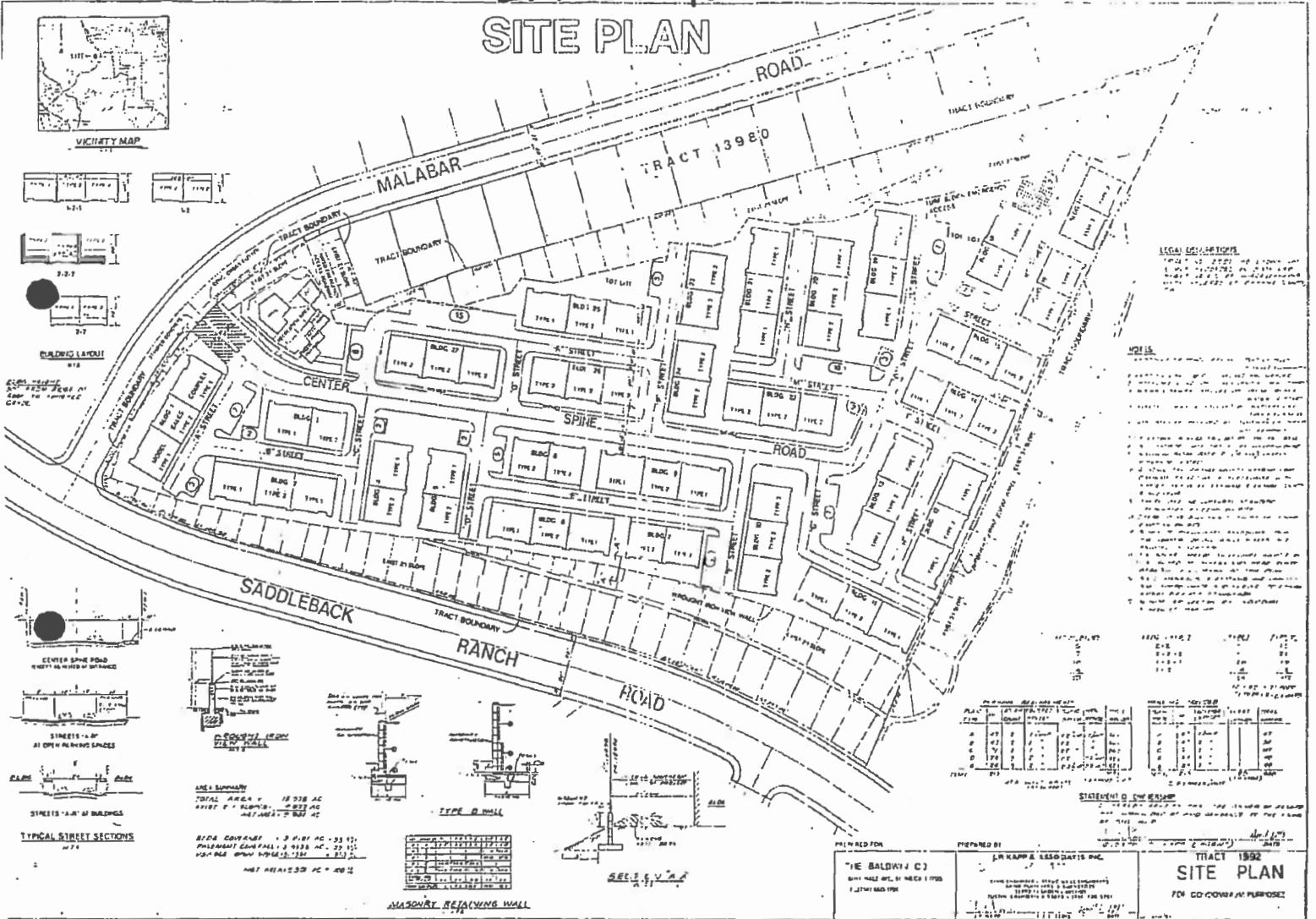
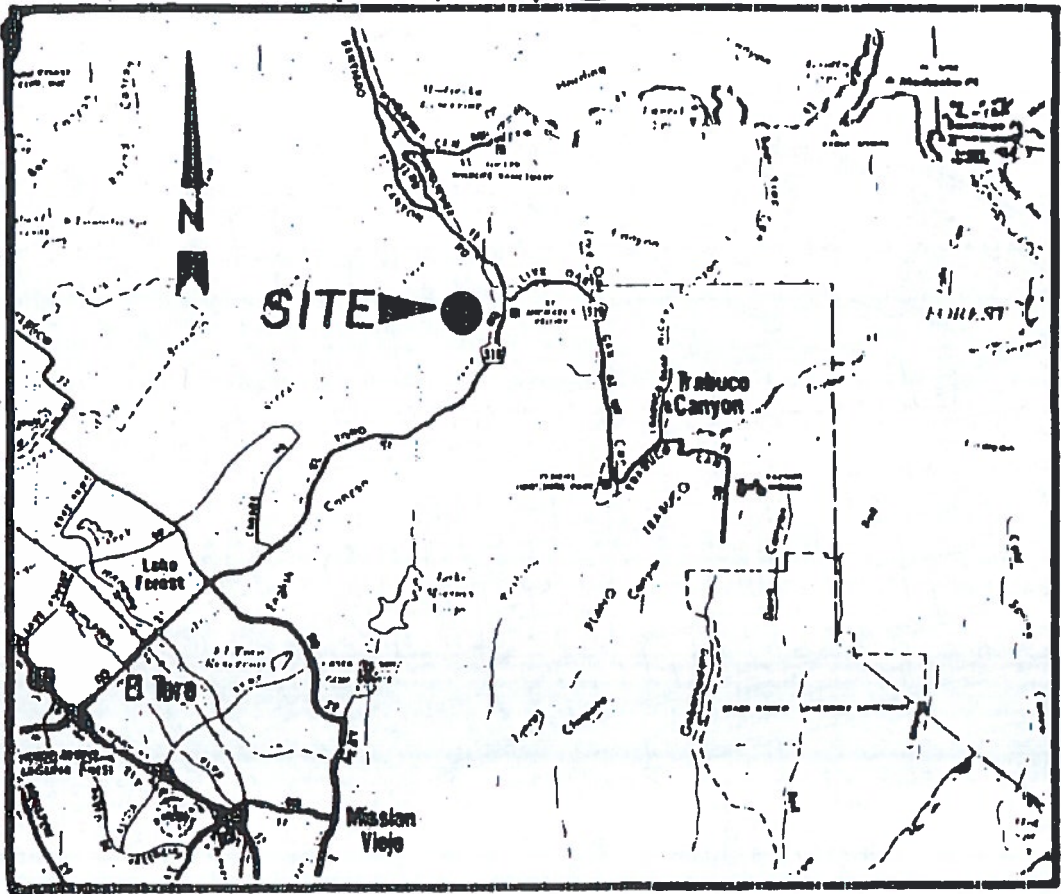


Exhibit B





FILED
FEB 14 1992
COURT CLERK
GRANVILLE, County Clerk
DEPUTY

NOTICE OF DETERMINATION

TO: OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CALIFORNIA 95814

COUNTY CLERK
COUNTY OF ORANGE

FROM: Environmental Management Agency

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Palermo Condominiums	EIR /ND No. EIR 459 IS 91046
State Clearinghouse Number (If Submitted To State Clearinghouse)	
Contact Person: Cindy Wright (Project) Cheryl Vind (CEQA)	Telephone: 834-2070 834-3848
Project Location: Located in the Portola Hills Planned Community in south Orange County at the southeast corner of Malabar Road and Saddleback Ranch Road.	
Project Description: A condominium project with 213 units with a model sales office and model homes.	

Notice is hereby given that the

EMA

(Lead Agency - EMA, GSA, Etc.)

Current Planning Division

(Lead District, Division, Section, Etc.)

has made the following determination on the above-described project:

- The project was approved by Director EMA on 1/23/92
(B/Supv, Sadv. Com, Ping. Comm, Z.A., Etc.) (Date)
- The project will have a significant effect on the environment.
 will not
 An Environmental Impact Report was prepared for this project (EIR 459 was previously prepared and certified) pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation Measures were incorporated into the project through were not conditions of approval and project design.
- For this project a Statement of Overriding considerations was adopted, not adopted.
- A copy of the EIR or Negative Declaration and the record of the project approval is on file and may be examined at the Environmental Management Agency, 12 Civic Center Plaza, Room G 19 Santa Ana, California. 92702-4048, Current Planning Division Division (714) 834- 2070.

Signature: Jill Sandbush

Title: Planner II

Date: 2/14/92

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

FILED

Project Title/Location (include county):

Palermo Condominiums SP 91034 IS 91046

FEB 14 1992

GARY L. GRANVILLE, Gour

Located in the Portola Hills Planned Community in south Orange County at the southeast corner of Malabar Road and Saddleback Ranch Road, west of El Toro Road in Supervisorial District 3.

Project Description:

Construction of a 213 unit condominium complex including a model sales office and model homes.

Findings of Exemption (attach as necessary):

Pursuant to Section 711.4 of the Fish and Game Code this project is exempt from the required fees as it has been determined that no adverse impact to wildlife resources will result from this project. The project is located at (see above)

Initial study IS 91046 was conducted to evaluate the potential environmental impact resulting from this project and there is no evidence that the proposed project will have any potential for adverse effects on wildlife resources.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Tim Neely

(Chief Planning Official)

Title: Manager, Environmental Planning D

Lead Agency EMA

Date 2/14/92

ENVIRONMENTAL
MANAGEMENT
AGENCY

PLANNING APPLICATION

(SEE FILING INSTRUCTIONS BEFORE COMPLETING.
FORM MUST BE TYPED)

28536 MALABAR RD.

PROJECT NAME: Portola Hills Apartments
LOCATION: Southeast corner of Saddleback Rd.
and Malabar Rd. in Portola Hills

ACREAGE/SQ. FT. 13.98 AC.
OF THE SITE

OWNER: The Baldwin Company
ADDRESS: 16811 Hale Ave.
Irvine, California 92714.
PHONE: (714) 660-1700

APPLICANT/AGENT: Linda Burton
(IF NOT OWNER)
FIRM: The Keith Companies
ADDRESS: 200 Baker Street
Costa Mesa, CA 92626
PHONE: (714) 540-0800

LUE: 1.3 CP: 1.4
ZONE: PC - Area D2 MF (AM)
R.C.S.P. Portola Hills
SUPV. DIST: 3 . CSTL. ZONE

APPLICATION FOR PERMIT	CASE NUMBER	DATE	INITIAL
<input checked="" type="checkbox"/> INITIAL STUDY	<u>IS 89-241</u>	<u>9-12-89</u>	<u>RS</u>
REQUEST TO SCHEDULE GPA			
GENERAL PLAN AMENDMENT			
COMM. PROFILE AMENDMENT			
ZONE CHANGE			
FEATURE PLAN			
AREA PLAN			
TRACT MAP			
PARCEL MAP			
USE PERMIT			
<input checked="" type="checkbox"/> SITE DEV. PERMIT	<u>SP89-185A</u>	<u>9/7/89</u>	<u>RS</u>
VARIANCE			
COASTAL DEV. PERMIT			
DETAIL PLAN			

PROJECT PROPOSAL:

214 Unit proposed Multi-Family ~~apartment~~ ^{CONDOMINIUM} purposes.

IS 89-206 processed in connection with TT 14053

**CONDITIONALLY
APPROVED**

EXISTING SITE CONDITIONS:
Vacant Land

BY: [Signature] DATE: 12-4-89
[Signature]

PREVIOUS GOVERNMENT APPROVALS: LU86-2, 2C 85-36P, CP 85-34, AP 87-11P, EIR 459.

FORM NO.

CERTIFICATION

- (a) There are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision making body about this application.
- (b) Major changes of the proposed project may require a new application and payment of new fees.
- (c) Board of Supervisors policy contained in Resolution 79-1242 states that except for cases in which an important County policy or other extraordinary interest is determined to be present, the County will not provide an active legal defense to cases involving the issuance of permits or other entitlements for use or development of real property or zoning or General Plan Amendments.
- (d) I hereby certify that to the best of my knowledge the information I have presented in this form and the accompanying materials is true and correct. I also understand that additional data and information may be required prior to final action on this application. I have read and understand the content contained in statements (a) thru (d).

SIGNATURE(S) Marilynn S. Gutierrez DATE 7-27-89
 PROPERTY OWNER OR AGENT
 _____ DATE _____

AP#: 606-151-26 (POR) LOT 1 TENT. TRACT: 14053
 (OR ATTACH METES AND BOUNDS)
 CAA: 56
 C.T. 524.13 BAM: 5558-21,31

LEAD SECTION: _____

REFERRED TO:

- ELEMENT PLANNING
- LAND PL.-COASTAL
- LAND PL.-FOOTHILL
- ENVIRONMENTAL/SPECIAL PROJECTS
- ACOUSTICS
- PROJ PLNG-COVM

- ZONING ADMIN.
- SITE PLANNING
- SUBDIVISIONS
- TRAFFIC ENGINEERING
- TRANSP. PLANNING
- STREET & DRAINAGE
- PROJ PLNG-O.S.

- GRADING
- SURVEYOR
- OCTD
- JHDO
- HEALTH
- FIRE
- CAO

PUBLIC REFERRAL LIST

- _____
- _____
- _____
- _____
- _____
- _____
- _____

- | | | |
|--------------------------------|--|------------------------------------|
| 1. PROPOSED LUE MAP (20) | 9. SDM (1) | 17. PHOTOS (2 SETS) |
| 2. EXISTING LUE MAP (20) | 10. FLOOR PLAN (20) | 18. CERTIFICATION LETTERS (2 SETS) |
| 3. a. PROPOSED ZONING MAP (20) | 11. LANDSCAPE PLAN (20) | 19. AUTHORIZATION LETTER |
| b. EXISTING ZONING MAP (20) | 12. ELEVATIONS (20) | 20. LEGAL DESCRIPTION |
| 4. TENTATIVE TRACT MAP (30) | 13. GRADING PLAN (2) | 21. AFFORDABLE HOUSING FORM |
| 5. TENTATIVE PARCEL MAP (2) | 14. TOPOGRAPHY MAP | 22. USGS QUAD SHEET |
| 6. AREA PLAN MAP (20) | 15. ENVELOPES (3) | 23. COLORED EXHIBITS |
| 7. FEATURE PLAN MAP (20) | 16. PROPERTY OWNERS LIST, ENVELOPES AND AP MAP | 24. COMMUNITY PROFILE |
| 8. PLOT PLAN (20) | | 25. _____ |

REV. 7/87

FORM NO.



TO: FILE EMA
 FROM: ERNIE SCHNEIDER, DIRECTOR EMA
 SUBJECT: PROJECT NUMBER: SP 89-185A APPLICANT: The Baldwin Company

I. NATURE OF PROJECT: Site Plan to construct 214 multi-family condominium units. Two tot-lots, a tennis court, recreation building and swimming pool are included in the project proposal. Four hundred and seven off-street parking spaces are provided to meet a 372 space parking requirement (based on the square foot method of calculation).

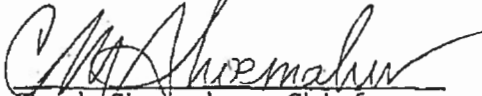
II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

Portola Hills Planned Community Text

III. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Ernie Schneider, Director
 EMA

By: 
 Chuck Shoemaker, Chief
 Site Planning Section

Date: 12/4/89

IV. FINDINGS:

1. The use or project proposed is consistent with the objectives, policies, general land uses and programs specified by the General Plan.
2. The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.



4. The location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
5. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. That the requirements of Section 7-9-711 to pay fire station or library development fees have been met.
7. That the monitoring requirements of Public Resources Code Section 21081.6 (AB 3180) will be considered as having been met in that the design of the subject project, the satisfaction of the requirements of the County's building, grading, fire, and other codes and ordinances and the satisfaction of the conditions of approval applied to the project will implement the mitigation measures contained in EIR 459.

V. CONDITIONS:

1. CP NA NA 1/Basic
This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.
2. CP NA NA 2/Basic
This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.
3. CP NA NA 3/Basic
Except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director-EMA for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.
4. CP NA NA 4/Basic
Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Board of Supervisors.
5. CP NA NA 5/Basic
Applicant shall defend at his/her sole expense any action brought

against the County because of issuance of this permit or, in the alternative, the relinquishment of such permit. Applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

6. HP HP G Archo.
If determined applicable by the Manager, Harbors, Beaches and Parks/Program Planning Division, prior to the approval of a grading permit, a County-certified archaeologist shall be retained by the applicant to complete literature and records search for recorded sites and previous surveys. In addition, a field survey shall be conducted by a County-certified archaeologist unless the entire proposed project site has been documented as previously surveyed in a manner which meets the approval of the Manager, Harbors, Beaches and Parks/Program Planning Division. A report of the literature and records search and the field survey shall be submitted to and approved by the Manager, Harbors, Beaches and Parks/Program Planning Division. Mitigation measures may be required depending upon the recommendations of this report.

7. HP HP G Paleo.
If determined applicable by the Manager, Harbors, Beaches and Parks/Program Planning Division, prior to the approval of a grading permit, a County-certified paleontologist shall be retained by the applicant to complete literature and records search for recorded sites and previous surveys. In addition, a field survey shall be conducted by a County-certified paleontologist unless the entire proposed project site has been documented as previously surveyed in a manner which meets the approval of the Manager, Harbors, Beaches and Parks/Program Planning Division. Future mitigation shall depend upon the recommendations of this project.

8. DS AE N (BUR) Noise
All residential lots and dwellings shall be sound attenuated against present and projected noise which shall be the sum of all noise impacting the project. So as not to exceed an exterior standard of 65 dB CNEL in outdoor living areas and an interior standard of 45 dB CNEL in all habitable rooms. Evidence prepared by a County-certified acoustical consultant, that these standards will be satisfied in a manner consistent with applicable zoning regulations, shall be submitted as follows:
 - a. Prior to the recordation of a final tract/parcel map or prior to the issuance of grading permits, as determined by the Manager, Development Services, an Acoustical Analysis Report shall be submitted to the Manager, Development Services Division, for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.

- b. Prior to the issuance of any building permits for residential construction, an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards shall be submitted to the Manager, Development Services Division, for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.
- c. Prior to the issuance of any building permits, all free-standing acoustical barriers must be shown on the projects plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Development Services Division.
- d. Prior to the issuance of any certificates of use and occupancy, field testing in accordance with Title 25 regulations may be required by the Manager, Building Inspection Division, to verify compliance with STC and IIC design standards.

9. DS DS G

Noise

Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Development Services, that:

- a. All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

10. F F B

Fire

Prior to the issuance of any building permits for combustible construction, evidence that a water supply for fire protection is available shall be submitted to and approved by the Fire Chief. Fire hydrants shall be in place and operational to meet required fire-flow prior to commencing construction with combustible materials.

11. F F B

Fire

Prior to the issuance of any building permits, a construction phasing plan demonstrating the adequacy of emergency vehicle access for the number of dwelling units served shall be submitted to and approved by the Fire Chief.

12. F F G

Fire

Prior to the issuance of any grading permits, a fuel modification plan and program shall be approved by the Fire Chief. The plan shall

show the special treatment to achieve an acceptable level of risk in regard to the exposures of structures to flammable vegetation and shall address: the method of removal and installation; mechanical or hand labor, and provisions for its continuous maintenance. The approved fuel modification plan shall be installed prior to the issuance of building permits, under the supervision of the Fire Chief, and completed prior to the issuance of applicable use and occupancy permits. Contact the Wildland Fire Defense Planning Section at 744-0498 for requirements.

13. F F BZ Fire
Prior to the issuance of any building permits, plans for an automatic fire extinguishing system shall be approved by the Fire Chief. Such systems shall be operational prior to the issuance of a certificate of use and occupancy.

14. F F U Fire
Prior to the issuance of any certificates of use and occupancy, the private street(s) shall be posted "No Parking-Fire Lane" as per 1985 Uniform Fire Code Section 10.207, in a manner meeting the approval of the Fire Chief.

15. Prior to the issuance of any precise grading permits, the following drainage studies shall be submitted to and approved by the Manager, Subdivision Division.
 - a. A drainage study of the site including diversions, off-site areas that drain onto and/or through the site, and justification of any diversions; and
 - b. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
 - c. Detailed drainage studies indicating how the site grading in conjunction with the drainage conveyance systems, including applicable swales, channels, street flows, catch basins, storm drains and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

16. SD SD RG Drain
Prior to the issuance of any grading permits, the applicant shall design the following improvements and provide necessary dedications in a manner meeting the approval of the Manager, Subdivision Division.
 - a. All provisions for surface drainage; and
 - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 - c. Where determined necessary by the Manager, Subdivision

Division, the associated easements shall be dedicated to the County of Orange.

Prior to the issuance of any certificates of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

17. SD SD RG Drain
Prior to the issuance of any grading permit, and if determined necessary by the Manager, Subdivision Division, a letter of consent, in a form suitable for recording, shall be obtained from the downstream property owners permitting drainage diversions and/or unnatural concentrations.
18. Prior to the issuance of a building permit, the applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, Subdivision Division, including the payment of fees and the construction of the necessary facilities.
19. TP CP B R. Fees
Prior to issuance of each building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for the Foothill Circulation Phasing Program. Applicant's participation in the fee program shall be consistent with the provisions of an applicable, approved development agreement.
20. TP CP R R. Fees
Prior to issuance of each building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for the Foothill/Eastern Transportation Corridor. Applicant's participation in the fee program shall be consistent with the provisions of an applicable, approved development agreement.
21. TP CP B R. Fees
Prior to the issuance of each building permit, the applicant shall pay fees as prescribed in the Major Thoroughfare and Bridge Fee Program for El Toro Road. Applicant's participation in the fee program shall be consistent with the provisions of an applicable, approved development agreement.
22. TP TP B Fees
Prior to the issuance of building permits, applicant shall pay fees for the Santiago Canyon Road Fee Program for building permits issued after such a program has been adopted by the Board of Supervisors. Applicant's participation in the fee program shall be consistent with the provisions of an applicable, approved development agreement.
23. TP CP RB Growth
Building permit issuance shall be phased in accordance with the Foothill Circulation Phasing Plan (FCPP) Development Phasing Plan, and shall also be subject to any other Board of Supervisors approved growth management phasing plan pertaining to the timely provision of public services and facilities. A valid Board of Supervisors

approved development agreement pertaining to the property which includes a development phasing plan shall satisfy the requirements of this condition. This condition shall be noted on all final maps.

24. Prior to the issuance of building permits, a final tract map shall be recorded establishing the subject lot as a legal building site.

25. TP TP G Sight
Prior to the issuance of any grading permits, adequate sight distance shall be provided at all street intersections per Standard Plan 1117 in a manner meeting the approval of the Manager, Transportation Program Division. This includes any necessary revisions to the plan such as removing slopes or other encroachments from the limited use area.

26. No building permit shall be issued unless this plan includes the signature and seal of the responsible civil engineer in accordance with Section 6735 of the current Professional Engineers Act, State of California.

27. All exterior lighting shall be designed and located to confine direct rays to the premises meeting the approval of the Manager, Building Inspection Division.

28. CP BI U P. Stalls
Prior to issuance of a certificate of use and occupancy, all parking stalls shall be clearly outlined with double or hairpin lines on the surface of the parking facility in a manner meeting the approval of the Manager, EMA/Building Inspection Division.

handicap

29. DS DS G Soils
Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Development Services, for approval. This report will primarily involve assessment of potential soil-related constraints and hazards such as slope instability, settlement, liquefaction, or related secondary seismic impacts where determined to be appropriate by the Manager, Development Services. The report shall also include evaluation of potentially expansive soils and recommended construction procedures and/or design criteria to minimize the effect of these soils on the proposed development.

30. Prior to the issuance of a grading permit, the applicant shall submit evidence meeting the satisfaction of the Manager, Development Services, that buildings 9BR, 10D and 11C are setback an appropriate distance from the toe of the manufactured slope.

31. CP SD B Landsc.
a. Private Landscape Design, Review, Approval and Certification:

Prior to the issuance of building permits, areas to be landscaped which will be maintained privately shall be designed in accordance with a certified plan. The plan shall be certified by a licensed landscape architect as taking into account approved preliminary landscape plan (if any), EMA

Standard Plans, adopted planned community regulations, scenic corridor and specific plan requirements, Grading Code erosion control requirements, Subdivision Code, Zoning Code, and conditions of approval. Said plan shall be reviewed by the Manager, Current Planning Division and be reviewed and approved by the Manager, Subdivision Division.

b. Private Landscape Installation Certification:

Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect certify that it was installed in accordance with the certified plan and shall furnish said certification in writing to the Manager, Building Inspection Division.

32. Prior to the issuance of certificates of use and occupancy, the applicant shall submit evidence acceptable to the Manager, Current Planning Division that all garages are equipped with an automatic garage door opener.

33. Prior to the issuance of certificates of use and occupancy, evidence shall be provided to the Manager, Current Planning Division that all tot lots as shown on the submitted plan have been equipped with appropriate play equipment for children the ages of two (2) through six (6).

34. TP SD B Plns. & Specs.
Prior to the issuance of any building permits, the applicant shall provide plans and specifications meeting the approval of the Manager, Subdivision Division for the design of the following improvements:

a. Internal pedestrian system within the development and connecting the development to Malabar Road.

TP C U

Prior to the issuance of any certificates of use and occupancy, the above improvements shall be constructed in a manner meeting the approval of the Manager, Construction Division.

35. AP AP U Housing
Prior to the issuance of certificates of use and occupancy, subdivider shall submit to the Manager, Advance Planning Division the sales price of each unit pre-sold (or the monthly rental rate of each unit to be rented) accompanied by the income level (i.e., Low, Mod-I, Mod-II or High) of all buyers who have entered into escrow (or renters who have paid a rental deposit). Information not available prior to issuance of certificates of use and occupancy shall be provided when all units have been sold or rented. Landowners of rental projects shall submit annual reports including the above information to the Manager, Advance Planning Division on a schedule determined by the Manager, Advance Planning Division.



T H E K E I T H C O M P A N I E S

Planning • Civil Engineering • Environmental Services • Landscape Architecture • Land Surveying • Public Works

December 7, 1989

10630.00

Mr. William B. Miller
Planner
Current Planning Division
Environmental Management Agency
12 Civic Center Plaza
Santa Ana, CA 92702-4048

Regarding: Tentative Tract 14053 Portola Hills Apartments
SP 89-185A

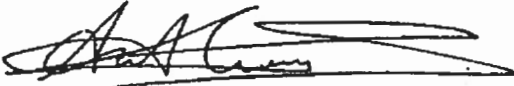
Dear Mr. Miller:

Pursuant to our telephone conversation on December 1, 1989, I am forwarding this letter to request that our site development permit (No. SP 89-185A) should now reference Tentative Tract 13992 which is a portion of Master Tentative Tract 13489. Tentative Tract No. 14053 has been cancelled per Mr. Al Garratto's request. Kindly make all filing amendments so that processing of the said project would be expeditious.

If you have any questions or concerns, please do not hesitate to call me at (714) 540-0800. Thank you for your time.

Sincerely yours,

THE KEITH COMPANIES


Tony Vaz, P.E.
Project Engineer

TV/sef

cc: Eric Nielsen, The Keith Companies
Ron Freeman, The Baldwin Company
Marianne Gutierrez, The Baldwin Company

RECEIVED

DEC 11 1989

EMA

9535-SEF-10630-L

ENVIRONMENTAL
MANAGEMENT
AGENCY

P L A N N I N G A P P L I C A T I O N

PROJECT NAME: PALERMO CONDOMINIUMS PROJECT NUMBER: 91101 DATE: 04/08/91
 LOCATION: PORTOLA HILLS
 ADDRESS: NONE
 NEAREST CROSS STREETS: NO CROSS STREETS LISTED
 PRJ CHARGE NBR: C55884 SUMM NBR: 0403 DEP AMT: .00 FEE RECT:
 APN: 606 151 05 TRACT: 13992 LOT: 1
 CAA: 00056 CENSUS TRACT: 524.07 ACRG OF SITE: 13.9780

OWNER INFORMATION:

NAME: BALDWIN BUILDING CO
 FIRM:
 ADDRESS: 16811 HALE AVE.
 IRVINE
 CA 92716 *T.M. O'Grady*
 PHONE: 714-660-1700 EXT: *fax 756-8971*

APPLICANT/AGENT INFO (IF NOT OWNER):

NAME: REYES, ROY - J.P. KAPP & ASSOC.
 FIRM:
 ADDRESS: 15892 PASADENA AVE.
 TUSTIN
 CA 92680
 PHONE: 714-730-5757 EXT:

LUE: *iB* COMMUNITY PROFILE: *1.4* SUPV DISTRICT: 3 CSTL ZONE: LAST REV DATE:

P.C./S.P.: PORTOLA HILLS (GLENN RCH) ZONING:

APPLICATION INCLUDES THE FOLLOWING

NAME	CASE NUMBER	DATE INITIATED	INITIALS
INITIAL STUDY	IS91046	04/02/91	
SITE PLAN REVIEW	SP91034 ?	04/02/91	

PROJECT PROPOSAL:

SITE PLAN TO ESTABLISH A 213 UNIT CONDOMINIUM ON LOT 1 OF TRACT 13992. PROJECT WILL ALSO INCLUDE A MODEL SALES OFFICE, MODEL HOMES, PARKING AND ASSOCIATED SIGNAGE. PARKING MODIFICATION TO PERMIT SUBSTANDARD SINGLE CAR GARGAGES 9 FT BY 18 FT INSTEAD OF THE REQUIRED 10 FT BY 20 FT.

NSP: CP980022 (model comply)

EXISTING SITE CONDITIONS:
 VACANT GRADED SITE.

**CONDITIONALLY
 APPROVED**

BY: C. Shoemaker DATE: 1/23/92

BAM: 5558-20

PREVIOUS GOVERNMENT APPROVAL:

expns 2-6-94
1 year Extension 2-6-95

CERTIFICATION

- (a) There are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision making body about this application.
- (b) Major changes of the proposed project may require a new application and payment of new fees.
- (c) Board of Supervisors policy contained in Resolution 79-1242 states that except for cases in which an important County policy or other extraordinary interest is determined to be present, the County will not provide an active legal defense to cases involving the issuance of permits or other entitlements for use of development of real property or zoning or General Plan Amendments.
- (d) I hereby certify that to the best of my knowledge the information I have presented in this form and the accompanying materials is true and correct. I also understand that additional data and information may be required prior to final action on this application. I have read and understand the content contained in statement (a) thru (d).

SIGNATURE(S) Tim O'Driscoll
 PROPERTY OWNER OR AGENT

DATE 4/8/91

DATE _____

LEAD SECTION:

PUBLIC REFERRAL LIST

<input type="checkbox"/> REFERRED TO:	<input type="checkbox"/> ZONING ADMIN.	<input type="checkbox"/> GRADING	<input type="checkbox"/> _____
<input type="checkbox"/> ELEMENT PLANNING	<input type="checkbox"/> SITE PLANNING	<input type="checkbox"/> SURVEYOR	<input type="checkbox"/> _____
<input type="checkbox"/> LAND PL.-COASTAL	<input type="checkbox"/> SUBDIVISIONS	<input type="checkbox"/> OCTD	<input type="checkbox"/> _____
<input type="checkbox"/> LAND PL.-FOOTHILL	<input type="checkbox"/> TRAFFIC ENGINEERING	<input type="checkbox"/> IHDO	<input type="checkbox"/> _____
<input type="checkbox"/> ENVIRONMENTAL/SPECIAL PROJECTS	<input type="checkbox"/> TRANSP. PLANNING	<input type="checkbox"/> HEALTH	<input type="checkbox"/> _____
<input type="checkbox"/> ACOUSTICS	<input type="checkbox"/> STREET & DRAINAGE	<input type="checkbox"/> FIRE	<input type="checkbox"/> _____
<input type="checkbox"/> PROJ PLNG-COMM	<input type="checkbox"/> PROJ PLNG-O.S.	<input type="checkbox"/> CAO	<input type="checkbox"/> _____

- | | | |
|-------------------------------|--|------------------------------------|
| 1. PROPOSED LUE MAP (20) | 9. SDM (1) | 17. PHOTOS (2 SETS) |
| 2. EXISTING LUE MAP (20) | 10. FLOOR PLAN (20) | 18. CERTIFICATION LETTERS (2 SETS) |
| 3.a. PROPOSED ZONING MAP (20) | 11. LANDSCAPE PLAN (20) | 19. AUTHORIZATION LETTER |
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| 4. TENTATIVE TRACT MAP (30) | 13. GRADING PLAN (2) | 21. AFFORDABLE HOUSING FORM |
| 5. TENTATIVE PARCEL MAP (22) | 14. TOPOGRAPHY MAP | 22. USGS QUAD SHEET |
| 6. AREA PLAN MAP (20) | 15. ENVELOPES (3) | 23. COLORED EXHIBITS |
| 7. FEATURE PLAN MAP (20) | 16. PROPERTY OWNERS LIST, ENVELOPES AND AP MAP | 24. COMMUNITY PROFILE |
| 8. PLOT PLAN (20) | | 25. _____ |

() = QUANTITY

ENVIRONMENTAL
MANAGEMENT
AGENCY

PLANNING APPLICATION

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SIGNATURE(S) Tim O'Shady
 PROPERTY OWNER OR AGENT

DATE 4/8/91
 DATE _____

LEAD SECTION: _____

PUBLIC REFERRAL LIST

REFERRED TO:	<input type="checkbox"/> ZONING ADMIN.	<input type="checkbox"/> GRADING	<input type="checkbox"/> _____
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<input type="checkbox"/> PROJ PLNG-COMM	<input type="checkbox"/> PROJ PLNG-O.S.	<input type="checkbox"/> CAO	<input type="checkbox"/> _____

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() = QUANTITY

J.P. KAPP & ASSOCIATES, INC.

CIVIL ENGINEERS, LAND PLANNERS, & SURVEYORS

389-014.5

April 8, 1991

County of Orange
Civic Center Drive
Santa Ana, California 92702

Reference: Application For Condominium Site Plan
Palermo Condominiums - Portola Hills

Dear Sir:

Enclosed find twenty (20) sets of the following:

- Site Plan
- Conceptual Landscape Plan
- Residential Building Floor Plans and Elevations
- Recreational Center Floor Plans and Elevations

We are requesting approval of the condominium site plan, use of building #1 as a model sales complex and the supporting environmental review. The site has been rough graded to a large pad with adjacent slopes and has remained largely unvegetated since completion in the summer of 1990. The proposed use conforms to the Portola Hills Planned Community regulations and the related Area Plan. The site was previously to be utilized for apartments and that site plan was approved as permit number SP89-185A. Due to changing economic conditions, the Baldwin Company has decided to modify the buildings and site plan to provide a different housing opportunity. We have also met informally with the Fire Department (Mike Brown) and the Transportation Planning Group (Anthony Brine) to gain their input and adjust the design to alleviate their concerns.

*Same
strip
generation
rate
as
condos*

Although the site plan does comply with the planned community text, Baldwin does desire to request a variance from the Orange County Zoning Code. The County's zoning code requires that a single car garage space be 9' X 20'. Baldwin requests that a 9' X 18 single car garage space be allowed to be utilized on the subject site.

10'

In attempting to provide a lower priced housing alternative for South Orange County buyers, we have created a modular building type that will allow cost economies of scale to be passed onto the home buying public. This modular concept requires a uniformity in parking areas and the design of our single car garage is in proportionate dimension to the allowable standards for our two car garage design per the Orange County Zoning Code.

We trust you will expedite the processing of this application since it should have minimal resistance (no neighbors within approximately 1,000 feet) and limited environmental impact (no natural ground within 1,000 feet), two areas that are frequently the cause of delays and difficulties.

County of Orange

April 8, 1991

Page 2

If you have any questions, or need additional information, don't hesitate to contact me.

Sincerely,

J. P. KAPP AND ASSOCIATES, INC.

Richard F. Norton /RFN

Richard F. Norton, P.E.
Project Manager

RFN:og

Enclosures

cc: Baldwin Co. (Tim O'Grady) 2 w/enclosures
Bob Cunningham

